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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/639,442	08/13/2003	Benad Goldwasser	1343BEN-US	5756

32964 7590 11/14/2005

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EXAMINER
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HOEKSTRA, JEFFREY GERBEN

ART UNIT	PAPER NUMBER
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3736

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/639,442	<b>Applicant(s)</b> GOLDWASSER, BENAD	
	<b>Examiner</b> Jeffrey G. Hoekstra	<b>Art Unit</b> 3736	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statements (IDS) submitted on 02/01/2005, 03/23/2005, and 10/25/2005 are acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97 and 1.98. Accordingly, the examiner is considering the information disclosure statements.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Panescu et al (5740808). For claims 1 and 11, Panescu discloses a guidewire 84, 92 (column 5 line 58) and gastrointestinal tool 12 formed with a bore for inserting guidewire. For claim 2, Panescu shows a distal stop 20 that prevents further transverse movement of gastrointestinal tool. For claims 3, 4, and 13, Panescu discloses a variety of intravascular imaging probes/ devices (column 6 line 61 – column 9 line 60). For claims 5, 6, and 14, Panescu discloses a catheter 12 slidably engaged over a guidewire wherein the catheter has a lumen 136 for introduction of medical instruments or fluids 140 (column 6 line 17). For claim 12, Panescu discloses a tool 44 slidably engaged over a guidewire that cooperates with gastrointestinal tool or catheter (column 6 line 19).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Panescu in view of Takada (4561427). Panescu discloses an intravascular device capable of imaging and treatment comprising a guidewire and various embodiments of distal tools except for the tool comprising a beveled edge for facilitating passage through a body lumen. Takada teaches an intravascular imaging device comprising beveled edges as seen in Figures 2, 5, and 8. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the intravascular imaging device as taught by Panescu, with Takada in order to increase the ease of introduction of a device designed to image a body lumen.

6. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Panescu in view of Daniels et al (6296608). Panescu discloses an intravascular device capable of imaging and treatment comprising a guidewire and various embodiments of distal tools except for the tool comprising a cutting or sampling device. Daniels teaches an intravascular imaging device comprising a catheter and cutting and sampling devices as seen in Figures 6-9. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the intravascular imaging device as

taught by Panescu, with Daniels for the purpose of interventional procedures on tissue in vivo, e.g. obtaining a biopsy specimen.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Panescu in view of DeMarco (5353807). Panescu an intravascular device capable of imaging and treatment comprising a guidewire and various embodiments of distal tools except for the tool comprising a magnetic device. DeMarco teaches an intravascular device comprising a distally located magnetically guidable member 14. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the intravascular imaging device as taught by Panescu, with Daniels for the purpose of magnetically positioning a medical device for interventional procedures on tissue in vivo.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Panescu in view of Ohshiro (4040413). Panescu discloses an intravascular device capable of expanding for imaging purposes except for the intravascular device comprising an inflatable sleeve having at least one channel. Ohshiro teaches an intravascular device comprising an inflatable sleeve 52a, 52b, 54a, 54b with at least one channel, best seen in Figures 5 and 6. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the intravascular imaging device as taught by Panescu, with Ohshiro for the purpose of fixedly securing a medical device within a body lumen and positioning medical device for imaging tissue in vivo.

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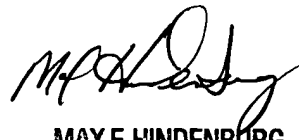
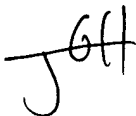
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey G. Hoekstra whose telephone number is (571)272-7232. The examiner can normally be reached on Monday through Friday, 8:00 a.m. to 5:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max F. Hindenburg can be reached on (571)272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGH



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